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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/787,283 | 02/26/2004 | Daniel E. Tedesco | 02-100B | 5162 |

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| EXAMINER |
|---|
| COUGHLAN, PETER D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2129 | |

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/787,283 | TEDESCO ET AL. |
| | Examiner | Art Unit | |
| | Peter Coughlan | 2129 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>07 October 2004</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All  b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/29/2004*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

# Detailed Action

1.    Claims 1-26 are pending in this application.

## *Claim Rejections - 35 USC § 112*

2.    The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-9, 11-13, 21, 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. All these claims use the term 'first user' which is not defined within the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "substantially" in claims 1 and 5 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

These claims have to be amended or withdrawn from consideration.


Claims 1, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims contain the word 'entity' and does not specify what the 'entity' is? As stated, 'entity' could be a person or a machine.


### Claim Rejections - 35 USC § 103


3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walker et al in view of Regazzoni. (U. S. Patent 6720990, referred to as **Walker**;

'Scanning the Issue/Technology, referred to as **Regazzoni**)


Claim 24

Walker teaches a step for observing a plurality of images (**Walker**, C1:53

through C2:4; 'receiving an image' of applicant is equivalent to 'view remote locations' of

Walker.)

Walker does not teach a area in which human activity is desired to be

substantially nonexistent; a step for ascertaining whether the plurality of images reliably

indicates the presence of a human in the area

Regazzoni teaches of a area in which human activity is desired to be

substantially nonexistent. (**Regazzoni**, p1361, C1:15-43; 'Human activity' of applicant is

equivalent to 'people detection in highways' of Regazzoni.); a step for ascertaining

whether the plurality of images reliably indicates the presence of a human in the area

(**Regazzoni**, p1361, C1:15-43; 'Plurality of images' of applicant is equivalent to 'video

surveillances' of Regazzoni.) It would have been obvious to a person having ordinary

skill in the art at the time of applicant's invention to modify the teachings of Walker by

specifically looking for humans as taught by Regazzoni to a area in which human

activity is desired to be substantially nonexistent; a step for ascertaining whether the

plurality of images reliably indicates the presence of a human in the area

For the purpose of filtering out only humans where humans should not be
indicates an event/image needing closer inspection.

Walker teaches a step for alerting an entity based on the step for ascertaining.
(**Walker,** C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of
Walker. Since the user does not know they could be one of many monitors and are
under the impression they are the only one, this bypasses the 'bypasser inaction'
syndrome.)


.Claim 25

Walker does not teach a step for assessing an area in which human activity is
desired to be substantially nonexistent.

Regazzoni teaches a step for assessing an area in which human activity is
desired to be substantially nonexistent. (**Regazzoni,** p1361, C1:15-43; 'Human activity'
of applicant is equivalent to 'people detection in highways' of Regazzoni.) It would have
been obvious to a person having ordinary skill in the art at the time of applicant's
invention to modify the teachings of Walker by looking specifically for human activity as
taught by Regazzoni to have a step for assessing an area in which human activity is
desired to be substantially nonexistent.

For the purpose of filtering out only humans where humans should not be
indicates an event/image needing closer inspection.

Walker teaches a step for alerting an entity based on the step for assessing
(**Walker,** C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of

Walker. Since the user does not know they could be one of many monitors and are

under the impression they are the only one, this bypasses the 'bypasser inaction'

syndrome.)


## Claim Rejections - 35 USC § 103


The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.


Claims 1-23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

the combination of Walker and Regazzoni, as set forth above in view of Sacchi ('A

Distributed Surveillance System for Detection of Abandoned Objects in Unmanned

Railroad Environments', referred to as **Sacchi**)


Claim 1

Walker teaches receiving an image from an image capture device. (**Walker,**

C1:53 through C2:4; 'receiving an image' of applicant is equivalent to 'view remote

locations' of Walker.)

Walker and Regazzoni do not teach in which the image capture device generates

an image of an area in which human activity is desired to be substantially nonexistent.

Sacchi teaches in which the image capture device generates an image of an area in

which human activity is desired to be substantially nonexistent (**Sacchi,** abstract;

'Human activity is desired to be substantially nonexistent' of applicant is equivalent to

'unmanned railway environments' of Sacchi.) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the combined

teachings of Walker and Regazzoni by looking for humans as taught by Sacchi to have

the image capture device generates an image of an area in which human activity is

desired to be substantially nonexistent.

For the purpose of filtering out only humans where humans should not be

indicates an event/image needing closer inspection.

Walker teaches determining information related to the area (**Walker,** C1:28-36;

'Determining information' of applicant is equivalent to 'view customer behavior' of

Walker.); receiving a request for a first user to monitor(**Walker,** C5:48-67; 'Request for a

first user to monitor' of applicant is equivalent to 'user first request to monitor' of

Walker.); receiving a user identifier(**Walker,** C5:48-67;'User identifier' of applicant is

equivalent to 'record of the user' of Walker.); verifying that the user identifier

corresponds to the first user(**Walker,** C5:48-67; 'Verifying' of applicant is equivalent to

'log on the central server.); providing the first user with the image. (**Walker,** C1:53

through C2:4; 'providing an image' of applicant is equivalent to 'view remote locations'

of Walker.)

Walker does not teach receiving a response to the image by the first user, in which the response comprises an indication that a human is present in the image.

Regazzoni teaches receiving a response to the image by the first user, in which the response comprises an indication that a human is present in the image. (**Regazzoni,** p1361, C1:15-43; 'Human is present' of applicant is equivalent to 'people detection in highways' of Regazzoni.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Walker by looking for humans as taught by Regazzoni to receiving a response to the image by the first user, in which the response comprises an indication that a human is present in the image.

For the purpose of filtering out only humans where humans should not be indicates an event/image needing closer inspection.

Walker teaches providing additional users with the image (**Walker,** C3:46-59 and C4:35-57; 'Additional users' of applicant is equivalent to 'user devices 300a-c' of Walker.); receiving responses to the image by the additional users  (**Walker,** C4:35-57; 'Responses' of applicant is equivalent to 'responses' of Walker.); evaluating the received responses (**Walker,** C9:61 through C10:16; 'Evaluating the responses' of applicant is equivalent to 'evaluates the responses' of Walker.); determining, based on the information related to the area, an entity to notify(**Walker,** C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker.); and notifying the entity. (**Walker,** C8:38-62; Since the user does not know they could be one of many monitors

and are under the impression they are the only one, this bypasses the 'bypasser

inaction' syndrome.)


Claim 2

Walker teaches receiving a unique identifier from the image capture

device(**Walker,** C3:46-59; 'User devices 300a-c' are connected to a web-based service.

Therefore each user device has to have its own unique IP address. Therefore, 'unique

identifier' of applicant is equivalent to each unique IP address of user's devices.);

accessing a record in a database using the unique identifier(**Walker,** C4:7-20;

'Accessing a record' of applicant is equivalent to accessing the server by using the IP

address of the server.); and determining, from the record, contact information for the

area. (**Walker,** C4:7-20; 'Determining from the record, contact information' of applicant

is equivalent to 'registering' of Walker.)


Claim 3

Walker teaches transmitting the image to an internet protocol address which is

based on the first user.(**Walker,** C2:5-17; Images stored on a server which are part of a

web based system have a IP address.)


Claim 4.

Walker teaches posting the image on a Web site. .(**Walker,** C2:5-17; Walker

discloses a web based system, thus images stored in a server are 'posted' on a web

site.)

Claim 5

Walker teaches receiving a request for a first user to monitor (**Walker,** C5:48-67;

'Request for a first user to monitor' of applicant is equivalent to 'user first request to

monitor' of Walker.); verifying the first user. (**Walker,** C5:48-67; 'Verifying' of applicant is

equivalent to 'log on the central server.)

Walker and Regazzoni do not teach providing the first user with an image of an

area in which human activity is desired to be substantially nonexistent.

Sacchi teaches providing the first user with an image of an area in which human

activity is desired to be substantially nonexistent. (**Sacchi,** abstract; 'Human activity is

desired to be substantially nonexistent' of applicant is equivalent to 'unmanned railway

environments' of Sacchi.) It would have been obvious to a person having ordinary skill

in the art at the time of applicant's invention to modify the combined teachings of Walker

and Regazzoni by looking for human activity as taught by Sacchi to providing the first

user with an image of an area in which human activity is desired to be substantially

nonexistent.

For the purpose of filtering out only humans where humans should not be

indicates an event/image needing closer inspection.

Walker teaches receiving a response to the image by the first user(**Walker,**
C4:35-57; 'Responses' of applicant is equivalent to 'responses' of Walker.); and
evaluating the received response. (**Walker,** C9:61 through C10:16; 'Evaluating the
responses' of applicant is equivalent to 'evaluates the responses' of Walker.)


Claim 6

Walker teaches receiving an identifier(**Walker,** C5:48-67;'User identifier' of
applicant is equivalent to 'record of the user' of Walker.); and determining that the
identifier identifies a prior registration. (**Walker,** C4:7-20; 'Identifier identifies a prior
registration' of applicant is equivalent to 'after registering, users can simply present their
user identifier to the central server.)


Claim 7

Walker teaches determining an attentiveness of the first user. (**Walker,** abstract;
'determining an attentiveness' of applicant is equivalent to 'measuring user
attentiveness' of Walker.)


Claim 8

Walker teaches requesting that the first user respond to a false positive. (**Walker,**
C4:35-57; Responding to a false positive of applicant is equivalent to 'test the guards
attentiveness' of Walker.)

Claim 9

Walker teaches providing the first user with a false positive image(**Walker,**

C4:35-57; Providing false positive image of applicant is equivalent to 'transmitting test

communication' of Walker.); receiving a response to the false positive image by the first

user. (**Walker,** C4:35-57; 'Receiving a response' of applicant is equivalent to 'responds

to test communication' of Walker.)

Claim 10

Walker does not teach determining whether the response to the false positive

image indicates that a human is present in the image.

Regazzoni teaches determining whether the response to the false positive image

indicates that a human is present in the image. (**Regazzoni,** p1361, C1:15-43; 'Human

is present' of applicant is equivalent to 'people detection in highways' of Regazzoni.) It

would have been obvious to a person having ordinary skill in the art at the time of

applicant's invention to modify the teachings of Walker by testing the user with human

images where humans should not be as taught by Regazzoni to determining whether

the response to the false positive image indicates that a human is present in the image.

For the purpose of testing the user which determines the user's rating.

Claim 11

Walker teaches determining a reaction time of the first user. (**Walker,** C6:39-56;

'Reaction time' of applicant is equivalent to 'response time' of Walker.)

Claim 12

Walker teaches selecting the first user from a plurality of users. (**Walker,** C5:48-67; 'Selecting the first user' of applicant is equivalent to 'user first request' of Walker.)

Claim 13

Walker teaches selecting the first user from the plurality of users based on the image. (**Walker,** C4:7-20; Selecting a user based on the image of applicant means selecting a user based on their rating of attentiveness on testing. This is disclosed in Walker by requiring a minimum user rating.)

Claim 14

Walker teaches providing at least one additional user with the image. (**Walker,** C4:35-57; 'One additional user' of applicant is equivalent to 'plurality of users' of Walker.)

Claim 15

Walker teaches providing at least one additional user with the image is performed based on the response to the image. (**Walker,** C4:7-20, C4:35-57; Providing the additional user with an image of applicant is equivalent to 'monitored by a plurality of users' of Walker. 'Performance based' of applicant is equivalent to 'attentiveness' of Walker.)

Claim 16

Walker teaches determining, based on the response to the image, a number

(**Walker,** C4:35-57; 'A number' of applicant is equivalent to 'user's rating' of Walker.);

selecting a plurality of additional user, in which the cardinality of the plurality is at least

the number(**Walker,** C4:7-20; 'Additional users' with cardinality of applicant is equivalent

to users with minimum rating of Walker.); and 1providing the plurality of additional users

with the image. (**Walker,** C4:35-57; Providing additional users with the image of

applicant is equivalent to 'monitored by a plurality of users' of Walker.)


Claim 17

Walker teaches determining a response time in receiving the response to the

image. (**Walker,** C6:39-56; 'Determining a response time' of applicant is equivalent to

testing for a 'response time' of Walker.)


Claim 18

Walker does not teach in which the response is one of: an indication that a

human is present in the image, an indication that no human is present in the image, and

an indication of uncertainty whether a human is present in the image.

Regazzoni teaches in which the response is one of: an indication that a human is

present in the image, an indication that no human is present in the image (**Regazzoni,**

p1361, C1:15-43; Regazzoni discloses if a human is or is not present in highways.), and

an indication of uncertainty whether a human is present in the image. (**Regazzoni,**

p1360, C1:16 through C2:25; 'Indication of uncertainty' of applicant is equivalent to

'error rate of less than 1%' of Regazzoni.) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the teachings

of Walker by having one of three possible outcomes regarding 'human' images as

taught by Regazzoni to which the response is one of: an indication that a human is

present in the image, an indication that no human is present in the image, and an

indication of uncertainty whether a human is present in the image.

For the purpose of knowing there is or is not a human present along with a

threshold application for possible outcomes

Claim 19

Walker teaches determining, based on the received response, whether to notify

an entity. (**Walker,** C11:38-64; 'Whether to notify an entity' of applicant is equivalent to

'determined whether the reported emergency is ligitimate' of Walker.)

Claim 20

Walker teaches initiating a telephone call to a predetermined telephone number.

(**Walker,** C11:38-64; Initiating a telephone call' of applicant is equivalent to

'communicates to the user a phone number' of Walker.)

Claim 21

Walker teaches adjusting a rating of the first user based on the received

response. (**Walker,** C11:38-64; 'Adjusting a rating' of applicant is equivalent to 'lowers

the rating in the user database' of Walker.)


Claim 22

Walker teaches compensating the first user. (**Walker,** C10:17-46;

'Compensating' of applicant is equivalent to 'pay' of Walker.)


Claim 23

Walker teaches compensating the first user based on the received response.

(**Walker,** C10:17-46; 'Compensating' of applicant is equivalent to 'pay' of Walker.

'Received responses' of applicant is directly related to 'higher crime rates' of Walker.)


Claim 26

Walker teaches means for receiving images. (**Walker,** C1:53 through C2:4;

'receiving an image' of applicant is equivalent to 'view remote locations' of Walker.)

Walker does not teach an area in which human activity is desired to be substantially

nonexistent.

Regazzoni teaches an area in which human activity is desired to be substantially

nonexistent.(**Regazzoni,** p1361, C1:15-43; 'Human activity' of applicant is equivalent to

'people detection in highways' of Regazzoni.) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the combined

teachings of Walker by looking for human activity as taught by Regazzoni to have an

area in which human activity is desired to be substantially nonexistent.

For the purpose of filtering out only humans where humans should not be

indicates an event/image needing closer inspection.

Walker teaches means for distributing the images for at least partial analysis.

(**Walker,** abstract; 'Means for distributing the images' of applicant is accomplished by

the 'server' of Walker.)

Walker and Regazzoni do not teach means for calculating an analysis of the

images.

Sacchi teaches means for calculating an analysis of the images. (**Sacchi,**

abstract; 'Analysis of the image' of applicant is equivalent to 'image processing system'

of Sacchi.) It would have been obvious to a person having ordinary skill in the art at the

time of applicant's invention to modify the combined teachings of Walker and Regazzoni

by using an algorithm for image analysis as taught by Sacchi to have means for

calculating an analysis of the images.

For the purpose of using a method for finding items within an image that might

need further review.

Walker teaches means for warning an entity based on the analysis. (**Walker,**

C8:38-62; 'Entity to notify' of applicant is equivalent to 'the authorities' of Walker. Since

the user does not know they could be one of many monitors and are under the

impression they are the only one, this bypasses the 'bypasser inaction' syndrome.)

## *Conclusion*

4.      The prior art of record and not relied upon is considered pertinent to the

applicant's disclosure.

-U. S. Patent 6476858: Ramirez Diaz

-U. S. Patent 6271752: Vaios

-U. S. Patent 6166729: Acosta

-U. S. Patent 5909548: Klein

-U. S. Patent 5857190: Brown

-U. S. Patent 5794210: Goldhaber

-U. S. Patent 5786746: Lombardo

-U. S. Patent 5759101: Von Kohorn

-U. S. Patent 5412708: Katz

-U. S. Patent 5034807: Von Kohorn

-U. S. Patent 4622538: Whynacht

-U. S. Patent 4511886: Rodriquez

5.      Claims 1-26 are rejected.

## Correspondence Information

6.      Any inquiry concerning this information or related to the subject disclosure should

be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-

5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45

p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor David Vincent can be reached at (571) 272-3687. Any response to this

office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions

on access to Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll free).

12/11/06

DAVID VINCENT
SUPERVISORY PATENT EXAMINER

Peter Coughlan

12/08/2006